

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

JONI LOFTON

PLAINTIFF

v.

CIVIL ACTION NO.1:10CV282-SA-DAS

CITY OF WEST POINT, MISSISSIPPI

DEFENDANT

**LEAD CASE
CONSOLIDATED WITH**

SHASTA HEATH PLUNKETT

PLAINTIFF

v.

CIVIL ACTION NO.1:10CV316-SA-DAS

CITY OF WEST POINT, MISSISSIPPI
and JASPER PITTMAN, in his individual
capacity

DEFENDANTS

ORDER

Pursuant to an opinion issued this day, it is hereby ORDERED that

(1) Defendant's Motion for Summary Judgment [33] concerning claims brought by Plaintiff Joni Lofton is GRANTED in part and DENIED in part:

- a. Defendant's motion is DENIED as to Lofton's Title VII failure to promote claim;
- b. Defendant's motion is GRANTED as to Lofton's Title VII racial discrimination claim based on constructive discharge; and
- c. Defendant's motion is GRANTED as to Lofton's racial discrimination claim brought under 42 U.S.C. § 1981.

(2) Defendants' Motion for Summary Judgment [42] concerning claims brought by Plaintiff Shasta Plunkett is GRANTED in part and DENIED in part:

- a. Defendants' motion is DENIED as to Plunkett's Title VII claims of race discrimination asserted against the City of West Point;
- b. Defendants' motion is GRANTED as to any Title VII racial discrimination claims Plunkett has asserted against Defendant Jasper Pittman;
- c. Defendants' Motion is DENIED as to Plunkett's Title VII retaliation claim asserted against the City of West Point;
- d. Defendants' Motion is GRANTED as to any Title VII retaliation claims Plunkett has asserted against Defendant Jasper Pittman;
- e. Defendants' Motion is GRANTED as to Plunkett's constitutional claims asserted under both the Due Process Clause and the Equal Protection Clause;
- f. Defendants' Motion is GRANTED as to Plunkett's racial discrimination claims brought under 42 U.S.C. § 1981;
- g. Defendants' Motion is GRANTED as to Plunkett's state-law wrongful discharge action;
- h. Defendants' Motion is DENIED as to Plunkett's malicious interference with employment claim asserted against Defendant Jasper Pittman; and
- i. Defendants' Motion is GRANTED as to Plunkett's intentional infliction of emotional distress action asserted against Defendant Jasper Pittman.

So ORDERED on this, the 4th day of April , 2012.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE